

FILED
At Albuquerque NM

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAY 11 2006

UNITED STATES OF NEW MEXICO,

Plaintiff,

**MATTHEW J. DYKMAN
CLERK**

vs.

CR. NO. 05-1849

DANA JARVIS, et al.,

Defendants.

**WAIVER OF APPEARANCE AT ARRAIGNMENT
AND ENTRY OF PLEA**

I understand that a Grand Jury returned a Superseding Indictment charging me with a criminal offense or offenses.

In connection with this Superseding Indictment, I am entitled to personally appear before the Court at every stage of criminal proceedings including arraignment.

I have received and read a copy of the Superseding Indictment or have had the Superseding Indictment read to me in my native language, and I understand the offense(s) with which I am charged.

I have been advised of the maximum penalties the Court may impose on me upon a conviction of the offense or offenses charged.

I have been advised of my right to silence; my right to competent legal representation at every critical stage of the proceedings; my right to trial, including a trial before a jury; my right at such trial to confront my accusers, that is, to see, and to hear and to question witnesses and accusers who come to court to offer evidence against me; my right to testify or not to testify as I so determine; my right to summon witnesses and have my witnesses attend court and testify on my behalf; and my right to appeal the conviction and sentence if I am convicted.

I have been advised of my right to be presumed innocent and to be free from conviction unless and until the United States is able to prove through competent, admissible evidence, and beyond a reasonable doubt that I committed each essential element of each crime charged.


476

After reading and understanding the Superseding Indictment, the penalties, and my rights, and pursuant to Fed. R. Crim. P. 10(b), I request that the Court permit me to waive my personal appearance in court for the arraignment, and I enter a plea of not guilty to the charge(s) contained in the Superseding Indictment.

Assistant U. S. Attorney, James Braun has been contacted and he does not oppose the Waiver of Appearance by Defendant Geno Berthod.



Defendant



Defense Counsel

APPROVAL OF JUDGE

Having considered the Defendant's application to waive his personal appearance and good cause appearing, I grant/deny the request. (circle one).

Date



United States Magistrate Judge